

## **REMARKS**

Upon entry of this amendment, claims 15 and 18 will have been amended for consideration by the Examiner. Thus, claims 15-21 currently remain pending. Applicants note that the amended claims merely clarify the subject matter recited the rejected claims, but do not narrow the scope of the claims. No new matter has been added.

### **I. Claim Rejections under 35 U.S.C. § 103**

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. (U.S. 6,141,483) in view of Yoshii et al. (U.S. 2003/0090711) and Candelore et al. (U.S. 2003/0174837). Claims 16-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yamada, Yoshii, Candelore and the Examiner's Official Notice. These rejections are believed clearly inapplicable to amended independent claim 15 and claims 16-21 that depend therefrom for the following reasons.

Independent claim 15 recites a playback apparatus (having an apparatus region code assigned thereto) that plays back an optical disc having a disc region code assigned thereto, the playback apparatus including, (1) a recording medium that stores predetermined additional data corresponding to the optical disc, the predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content, a predetermined part of the content recorded on the optical disc being replaced by the substitute content, and the recording medium being distinct from the optical disc. Further, claim 15 recites that the playback apparatus includes (2) a playback unit that, when a judging unit (of the playback apparatus) judges that the disc region code does not match the apparatus region code

and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back order included in the recording medium corresponding to the optical disc.

The Yamada, Yoshii and Candelore references, or any combination thereof, fail to disclose or suggest above-mentioned distinguishing features (1) and (2) as recited in independent claim 15.

Rather, Yamada teaches various reproducing means for reproducing data only from a recording medium when certain conditions are satisfied (see abstract and col. 3, line 50 - col. 4, line 22). Specifically, Yamada teaches that reproduction of the data recorded on the recording medium is performed if (i) a region code of the recording medium matches the apparatus code of the playback apparatus, (ii) a certain amount of time has not expired from the formation of the data on the recording medium, and (iii) a certain condition is satisfied between specific data recorded on the recording medium and specific data set in the playback apparatus (see col. 3, line 50 - col. 4, line 22).

Thus, in view of the above, it is clear that Yamada teaches that reproduction of the data recorded on the recording medium is performed if conditions (i) - (iii) are satisfied, but does not disclose or suggest the playback apparatus for playing back content from an optical disc and including a recording medium that stores predetermined additional data corresponding to the optical disc, the predetermined additional data including a substitute playback order of the

content recorded on the optical disc and a substitute content, a predetermined part of the content recorded on the optical disc being replaced by the substitute content, and the recording medium being distinct from the optical disc, as required by independent claim 15.

Regarding the above-noted distinction, the Official Action dated on August 26, 2008 acknowledges that Yamada fails to disclose a recording medium that stores predetermined additional data corresponding to the optical disc, the predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content, a predetermined part of the content recorded on the optical disc being replaced by the substitute content, the recording medium being distinct from the optical disc, as required by independent claim 15.

Further, in view of the above, it is also apparent that Yamada fails to disclose or suggest a playback unit that, when the judging unit judges that the disc region code does not match the apparatus region code and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back order included in the recording medium corresponding to the optical disc, as recited in independent claim 15.

In particular, Applicants submit that Yamada does not contain any disclosures regarding the condition of when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content. Instead, Yamada merely teaches the above conditions (i) - (iii).

On the other hand, independent claim 15 recites the condition of when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content. According to independent claim 15, even if the judging unit judges that the disc region code does NOT match the apparatus region code, when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, the play back unit plays back a created predetermined package.

A distribution company that distributes content has a strong interest in the content at the region where the play back apparatus is placed. If an owner of the rights of the content does not protect the interest of the distribution company, a relationship between the distribution company and the owner of the rights of the content will be worsened. Thus, in independent claim 15, when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content, the play back unit plays back a created predetermined package (see. page 4, lines 3-18). In this regard, Yamada does not contain any such disclosures since Yamada merely teaches the above conditions (i) - (iii).

In setting forth the rejection, the Examiner relies on Yoshii for teaching that which the Examiner admits is lacking in Yamada. Regarding the Yoshii reference, Applicants note that this reference discloses a distribution system for digital image content. The distribution system distributes the digital content and secondary data, reproduces the digital content and the secondary data, and superimposes the two reproduced data. The secondary data is prepared using a markup language such that a reproduction start point and a reproduction end point correspond

to an image frame-specific code for specifying an image of the digital data.

However, Yoshii fails to disclose a recording medium that stores predetermined additional data corresponding to the optical disc, the predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content, and a predetermined part of the content recorded on the optical disc being replaced by the substitute content, the recording medium being distinct from the optical disc, as required by independent claim 15.

Rather, Yoshii merely teaches that the distribution system superimposes the distributed digital content and the distributed secondary data, as shown in Fig. 2. Thus, Yoshii does not contain any disclosure or suggestion regarding a recording medium that stores predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content, wherein a predetermined part of the content recorded on the optical disc is replaced by the substitute content, as recited in claim 15.

Regarding the above-mentioned distinction, the Official Action dated on August 26, 2008 acknowledges that Yamada fails to disclose a recording medium that stores predetermined additional data corresponding to the optical disc, “the predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content, a predetermined part of the content recorded on the optical disc being replaced by the substitute content”, as required by independent claim 15.

Yoshii also fails to disclose a playback unit that, when the judging unit judges that the disc region code does not match the apparatus region code and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a

predetermined condition defined by an owner of the rights of the content, plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back order included in the recording medium corresponding to the optical disc, as recited in independent claim 15.

Rather, Yoshii merely teaches that the distribution system superimposes the distributed digital content and the distributed secondary data, as shown in Fig. 2. Thus, Yoshii does not contain any disclosure or suggestion regarding a playback unit that plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back order included in the recording medium corresponding to the optical disc, as shown in, for example, Fig. 22 and as recited in claim 15.

Further, Applicants submit that Yoshii does not contain any disclosures regarding the condition of when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content.

The above-mentioned rejection relies on Candelore for teaching that which is admittedly lacking from Yamada and Yoshii. Regarding the Candelore reference, Applicants note that Candelore discloses a method and apparatus for content substitution (see abstract). In Candelore, content having a first program identifier is placed into a data stream, content having a second program identifier is mapped to the first program identifier, and the mapped content is placed to the data stream. The content substitution process can be used to replace

advertisements, to provide multiple plots, multiple endings, multiple views as well as other applications (see Figs. 5 and 6). Specifically, Candelore teaches that a movie/broadcast can be played back using various plots/endings/advertisements that are selected (i) by the user using a selection made during the playback of the movie or using a decision made during the playback of the movie, or (ii) when a prescribed substitution criterion is met (see paragraphs [0027], [0028] and [0040], and Fig. 1).

However, Applicants submits that Candelore fails to disclose or suggest at least a playback unit that, when the judging unit judges that the disc region code does not match the apparatus region code and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back order included in the recording medium corresponding to the optical disc, as recited in independent claim 15.

Rather, as noted above, Candelore merely teaches that a movie can be played back using various plots/endings that are selected by the user using a selection made during the playback of the movie or using a decision made during the playback of the movie (see paragraph [0040]). Further, as noted above, Candelore also teaches that if a prescribed substitution criterion is met (see Fig. 1, element 116), a content substitution is carried out (see Fig. 1, element 124), and if the prescribed substitution criterion is not met (see Fig. 1, element 116), the content substitution is not carried out (see Fig. 1, element 120 and paragraphs [0027] and [0028]). In Candelore, the prescribed substitution criterion is presence of a national advertisement, watermark or logo that a

local content distributor wishes to replace with a local or regional advertisement (paragraph [0027]). Candalore does not contain any disclosures regarding a content substitution process that, if the prescribed substitution criterion is NOT met, carries out some content substitution, as required by claim 15.

Further, Candalore fails to disclose or even suggest the condition of when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content, as recited in claim 15. Instead, Candalore merely teaches (i) that the presence of a national advertisement, watermark or logo is replaced by a local/regional advertisement at the direction of a local content distributor (the presence of the national advertisement, watermark or logo being the prescribed substitution criterion for making this replacement), and (ii) that various plots/endings are selected using a selection made during the playback of the movie or using a decision made during the playback of the movie.

On the other hand, independent claim 15 recites the condition of when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content. According to independent claim 15, even if the judging unit judges that the disc region code does NOT match the apparatus region code, when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, the play back unit plays back a created predetermined package.

A distribution company that distributes the content has a strong interest in the content at the region where the play back apparatus is placed. If an owner of the rights of the content does

not protect the interest of the distribution company, a relationship between the distribution company and the owner of the rights of the content will be worsened. Thus, in independent claim 15, when “a combination of the content identifier read by the reading unit and the apparatus region code” satisfies a predetermined condition defined by an owner of the rights of the content, the play back unit plays back a created predetermined package (see page 4, lines 3-18). In this regard, Candelore does not contain any disclosure or suggestion of the above-mentioned distinguishing features recited in claim 15, since Candelore merely teaches (i) that the presence of a national advertisement, watermark or logo is replaced by a local/regional advertisement at the direction of a local content distributor (the presence of the national advertisement, watermark or logo being the prescribed substitution criterion for making this replacement), and (ii) that various plots/endings are selected using a selection made during the playback of the movie or using a decision made during the playback of the movie.

Thus, the independent claim 15 is clearly distinguished over Candelore.

Therefore, Applicants submit that even if one attempted to combine the teaching of Yamada with Yoshii and Candelore in the manner suggested in the above-mentioned rejection, one would fail to arrive at the presently claimed invention, because such a combination would lack, at least, a playback unit that, when the judging unit judges that the disc region code does not match the apparatus region code and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content, plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc, based on the substitute play back

order included in the recording medium corresponding to the optical disc, as recited in independent claim 15.

Accordingly, because of the above-mentioned distinctions it is believed clear that independent claim 15 and claims 16-21 that depend therefrom would not have been obvious or result from any combination of Yamada, Yoshii, Candelore and the Examiner's Official Notice. Furthermore, there is no disclosure or suggestion in Yamada, Yoshii and/or Candelore or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Yamada, Yoshii and/or Candelore to obtain the invention of independent claim 15. Accordingly, it is respectfully submitted that independent claim 15 and claims 16-21 which depend therefrom are clearly allowable over the prior art of record.

## II. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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